

**FALL TOWN MEETING
OCTOBER 17, 2011**

The 2011 Fall Town Meeting was held on October 17, 2011 in Memorial Hall. Voters entering the meeting were checked in on the list of registered voters and there were present when the Moderator called the meeting to order at 7:05 p.m. The number of voters checked as being present was as follows: Precinct 1, 54; Precinct 2, 32; and Precinct 3, 36. Total present: 122

Town Clerk, Nancy Burnham, read the return of service from Constable Kenneth Vaidulas.

Town Moderator, Lawrence McLaughlin, called for a moment of silence for the following:

Gordon D. Briggs – He was a town meeting representative for 30 years. He worked as an Election Clerk and Warden for over 40 years. He served as a Registrar of Voters since 2003. Gordon and his wife Polly were the first volunteers to receive the Margaret Grazis award by the Town of Athol.

Joseph A. Baublis – He served as a Library Trustee from 2001-2007, he was a census taker and worked at the polls as an election worker for numerous years.

Kenneth M. Fish, Sr. – He was the Head of Maintenance at Athol High School for the past 17 years.

Ann F. Williams – She was the guidance counselor and director for Athol High School for 28 years, retiring in 2009. She also was the student council advisor for the high school for many years.

The following is a true record of the votes taken at the October 17, 2011 Fall Town Meeting.

Article 1: On the Motion of Kenneth Duffy, it was **VOTED:** That the Town amend the Athol Zoning Bylaws Article III, Section 3.18.6.1 (3) & Section 3.18.7.1 (3) & Section 3.18.7.1 (4), Site Plan Review as printed below.

To amend the Athol Zoning Bylaws Article III, Section 3.18.6.1 (3), Site Plan Review, by deleting the following language:

- (3) The applicant shall submit proof of receipt from the all of the departments listed above and six (6) copies of the application to the Planning Board at a regularly scheduled meeting.

And to replace with the following:

- (3) The applicant shall submit proof of receipt from all departments listed above along with six (6) copies of the application to the Town Clerk for delivery to the Planning Board.

And to further amend the Athol Zoning Bylaws Article III, Section 3.18.7.1 (3), by deleting the following language:

- (3) Applicants for Minor Site Plan Approval shall submit a copy of the Site Plan and narrative as defined in sections 3.18.7.3 and 3.18.7.4, to the Town Clerk. Applicants shall also submit a copy of the Site Plan and narrative as defined in sections 3.18.7.3 and 3.18.7.4, to the Conservation Commission, Zoning Board of Appeals, Board of Health, Historical Commission, Department of Public Works, Fire Chief, Building Inspector and Police Chief for their advisory review and comments.

And to replace with the following:

- (3) Applicants for Major Site Plan Approval shall submit a copy of the Site Plan and narrative as defined in sections 3.18.7.3 and 3.18.7.4, to the Town Clerk. Applicants shall also submit a copy of the Site Plan and narrative as defined in sections 3.18.7.3 and 3.18.7.4, to the Conservation Commission, Zoning Board of Appeals, Board of Health, Historical Commission, Department of Public Works, Fire Chief, Building Inspector, and Police Chief for their advisory review and comments.

And to further amend the Athol Zoning Bylaws Article III, Section 3.18.7.1 (4), by deleting the following language:

- (4) The applicant shall submit proof of receipt from the all of departments listed above and six (6) copies of the application to the Planning Board at a regularly scheduled meeting.

And to replace with the following:

- (4) The applicant shall submit proof of receipt from all departments listed above along with six (6) copies of the application to the Town Clerk for delivery to the Planning Board.

Required a 2/3rd's vote. The vote was 115 yes and 0 no.

Article 2: On the Motion of Ben J. Feldman, it was **VOTED:** That the Town amend the Athol Zoning Bylaws Article III, Section 3.13 - 6A, Groundwater Protection, second paragraph, as printed below.

To amend the Athol Zoning Bylaws Article III, Section 3.13 - 6A, Groundwater Protection, second paragraph, by deleting the following language:

The applicant shall file five (5) copies of a site plan and attachments with the ZBA and one (1) copy to each of the following departments or agents: the Town Clerk, the Board of Health, the Conservation Commission, the department of Public Works and the Planning Board. Upon receipt of proof that the special permit application was received by all required municipal agents, the ZBA shall provide

And to replace with the following:

The applicant shall file nine (9) copies of a site plan and attachments with the ZBA and one (1) copy to each of the following departments or agents: the Town Clerk, the Board of Health, the Conservation Commission, the department of Public Works, the Planning Board, and the Building Department. Upon receipt of proof that the special permit application was received by all required municipal agents, the ZBA shall provide.

Required a 2/3rd's vote. The vote was 110 yes and 0 no.

Article 3: On the Motion of Paul W. Nelson, it was **VOTED:** That the Town amend the Athol Zoning Bylaws by adding language under Article III as printed below.

3.23 **Accessory Agriculture**

3.23.1 **Purpose and Intent**

To permit as an accessory use on single-family residential premises, the raising and keeping for non-commercial purposes of horses, livestock, or other farm animals by the owner of the land on which the use is located.

3.23.2 **Definitions**

Farm Animals: Domestic animals raised to produce commodities such as food, fiber and labor.

Livestock: Domestic animals, such as cattle or horses, raised for home use or for profit.

Poultry: Domestic fowls, such as chickens, turkeys, ducks, or geese, raised for meat or eggs.

Poultry Hen: Domestic female chicken.

Rooster: Adult male chicken.

3.23.3 The Accessory Agriculture use shall only be permitted in the Medium Single-Family Residential (RB), Rural Single-Family Residential (RC), and Industrial Commercial (I) zoning districts.

3.23.4 No minimum acreage shall be required for this bylaw.

3.23.5 For the keeping of twelve (12) poultry hens or less, the applicant shall submit an "APPLICATION FOR USE OR CHANGE OF USE" form with the building department.

3.23.6 For the keeping of more than twelve (12) poultry hens, or any quantity of roosters, livestock or other farm animals, the applicant shall submit an "APPLICATION FOR USE OR CHANGE OF USE" form with the building department and shall also obtain a special permit from the Zoning Board of Appeals.

3.23.7 Structures housing poultry shall comply with the regulations defined in section 3.2, Accessory Buildings and Uses.

Required a 2/3rd's vote. The vote was 98 yes and 12 no.

Article 4: On the Motion of Gary H. Deyo, it was **VOTED:** That the Town amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule, by deleting, under the category of AGRICULTURE USES, the sub-category Accessory Agriculture and by adding, under the category of RESIDENTIAL USES, the sub-category Accessory Agriculture as printed below.

	Residence A	Residence B	Residence C	Central Commercial	Neighborhood	General Commercial	Industrial Commercial
<u>2.3 Use Regulation Schedule</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>CA</u>	<u>CB</u>	<u>G</u>	<u>I</u>
Accessory Agriculture	N	SP	SP	N	N	N	SP

And to further amend Article II, Section 2.3, Use Regulation Schedule, by adding, under the category of RESIDENTIAL USES, the sub-category Accessory Agriculture; or act in relation thereto.

	Residence A	Residence B	Residence C	Central Commercial	Neighborhood	General Commercial	Industrial Commercial
<u>2.3 Use Regulation Schedule</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>CA</u>	<u>CB</u>	<u>G</u>	<u>I</u>
Accessory Agriculture	N	SP 4	SP 4	N	N	N	SP4

Required a 2/3rd's vote. The vote was 103 yes and 0 no.

Article 5: On the Motion of Cynthia Hahn Caldwell, it was **VOTED:** That the Town amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule, by deleting the language of footnote 4 and by adding new language as printed below.

4. Provided the use is accessory to single family residential premises for the raising and keeping for non-commercial purposes of horses, livestock, or other farm animals by the owner of the land on which the use is located.

And to replace with the following:

4. Per section 3.23, a Special Permit is not required for the keeping of twelve (12) poultry hens or less. *Required a 2/3rd's vote. The vote was 107 yes and 1 no.*

Article 6:

On the Motion of Erik Euvrard, it was **VOTED:** That the Town amend Article 14 of the June 14, 2011 Annual Town Meeting and appropriate from available funds \$1,061,085 to operate the FY12 Department of Public Works / Water Division Enterprise Fund to be funded from \$1,051,085 departmental receipts and \$10,000 from water interest as printed below.

Water Division	Expenses
Operational Expenses	725,679
Debt	194,292
Health Insurance	44,120
Overhead	96,994
Capital	0
<u>Budgeted Surplus</u>	<u>0</u>
Total	1,061,085

and that 1,061,085 be raised as follows; or act in relation thereto:

Water Division	Revenues
Departmental Receipts	1,051,085
Water Interest	10,000
<u>Retained Earnings for Capital</u>	<u>0</u>
Total	1,061,085

Passed by a majority vote.

Article 7:

On the Motion of Kenneth Duffy, it was **VOTED:** That the Town amend the Fire and Police Department's FY12 budget, as voted on Article 7 of the June 14, 2011 Annual Town Meeting by appropriating \$240,000 from taxation contingent upon the passage of a proposition two and one-half override. *Passed by a majority vote.*

Article 8:

On the Motion of Erik Euvrard, it was **VOTED:** That the Town appropriate \$357,675 to pay the costs of replacing water meters and for the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8, Clause 7 (A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and that, although any borrowing pursuant this vote shall constitute a general obligation of the Town, it is the intent, of the Town that one-half of any borrowing pursuant to this vote shall be repaid, in the first instance,

from water enterprise funds, and one half of any borrowing pursuant to this vote shall be repaid, in the first instance, from sewer enterprise funds. *Required a 2/3rd's vote. The vote was 90 yes and 11 no.*

Article 9: On the Motion of Ben J. Feldman, it was **VOTED:** That the Town transfer \$2,400.00 from the "gasoline" line item in the Animal Control Officer FY2012 budget to the "gasoline" line item in the Police Department FY2012 budget for the payment of the combined vehicle fuel bills. *Passed by a majority vote.*

Article 10: **No Motion. No action** taken on "To see if the Town will vote to raise and appropriate or appropriate from available funds a sum of money for the demolition of Lyman Ward School, located at 2175 Main Street and further identified as Athol Assessors Map 36, Lot 97; or act in relation thereto."

Article 11: **No motion. No action** taken on "To see if the Town will vote to raise and appropriate or appropriate from available funds a sum of money for the demolition of Silver Lake School, located at 245 Silver Lake Street and further identified as Athol Assessors Map 9, Lot 121; or act in relation thereto."

Article 12: **No motion. No action** taken on "To see if the Town will vote to raise and appropriate or appropriate from available funds a sum of money for the demolition of Fire Station 1 also known as the "Downtown Station," located at 206 Exchange Street and further identified as Athol Assessors Map 30, Lot 116; or act in relation thereto."

Article 13: On the Motion of Paul W. Nelson, it was **VOTED:** That the Town approve as an Expedited Permitting site and to designate as an Economic Opportunity Area (EOA), an area known as the Pleasant Street Solar Field Economic Opportunity Area, that area shown on Athol Assessor Map 34, Lots 87 and 88, and Map 47, Lots 29, 35, and 248, comprising approximately 43 acres, and bounded on the east by Lake Ellis, and on the west by Pleasant Street, and described in the Economic Opportunity Area application dated September 12, 2011, which is on file with the Town Clerk, the Assessor's office, and the Town Planner's office, and to authorize the Board of Selectmen to offer, subject to Town Meeting approval, the granting of Local Tax Incentive agreements for qualified economic development projects undertaken within said EOA. *Passed by a majority vote.*

Article 14: On the Motion of Gary H. Deyo, it was **VOTED:** That the raise and appropriate or appropriate from available funds or borrowing a sum of money as may be needed for all and any of the purposes mentioned on the foregoing articles that were voted and passed, provisions for which have not been made; or act in relation thereto. *Passed by a majority vote.*

Meeting dissolved at 8:04 p.m.

Attest:

Nancy E. Burnham
Town Clerk

**SPECIAL TOWN MEETING
DECEMBER 12, 2011**

The 2011 Special Town Meeting was held on December 12, 2011 in Memorial Hall. Voters entering the meeting were checked in on the list of registered voters and there were present when the Moderator called the meeting to order at 7:03 p.m. The number of voters checked as being present was as follows: Precinct 1, 61; Precinct 2, 35; and Precinct 3, 37. Total present: 133

Town Clerk, Nancy Burnham, read the return of service from Constable Leon Lozier.

Town Moderator, Lawrence McLaughlin, called for a moment of silence for the following:

David G. Pandiscio – He was a teacher at Athol High School for 32 years where he taught math, graphic arts, industrial arts and drafting. He was the school's yearbook photographer for all yearbooks until his retirement in 1991.

William F. Sanderson, III – He was a custodian at the Middle School from 1982 until his retirement in 2010.

The following is a true record of the votes taken at the December 12, 2011 Special Town Meeting.

Article 1 The Moderator accept Kenneth Duffy's motion to divide Article 1 into two motions. One for the funding of the Police Department (1A) and one for the funding of the Athol Fire Department (1B).

1A: On the Motion of Kenneth Duffy, it was **VOTED:** That the Town increase the Athol Police Department FY12 budget by appropriating \$27,837 from one-time additional state aid. *Passed by a majority vote.*

1B: On the Motion of Kenneth Duffy, it was **VOTED:** That the Town increase the Athol Fire Department FY12 budget by appropriating \$56,000 from one-time additional state aid. *Passed by a majority vote.*

Article 2: On the Motion of Ben J. Feldman, it was **VOTED:** That the Town appropriate from available funds \$65,000 from one-time additional state aid to place in the stabilization account. *Passed by a majority vote.*

Article 3: On the Motion of Alan Dodge, it was **VOTED:** That the Town transfer \$25,000 from the capital land sales account to the Conservation Fund. *Passed by a majority vote.*

Article 4: On the Motion of Paul W. Nelson, it was **VOTED:** That the Town rescind the vote for Article 38 of the May 5, 1997 Annual town Meeting with which the Town authorized the Athol-Royalston Regional School District to bond the sum of \$70,000.00 to begin upgrading the Middle School electrical system. *Required a 2/3rd's vote. The vote was unanimous.*

Article 5: On the Motion of Gary H. Deyo, it was **VOTED:** That the Town allow the Selectmen to accept a parcel of land at 182 Marble Street identified as Athol Assessors Map 30, Lot 160, recorded on Oct. 6, 2011 at the Worcester District Registry of Deeds in Book 47931, Page 40. Such property shall be restricted for the future use of the library. *Passed by a majority vote.*

Article 6: On the Motion of Cynthia Hahn Caldwell, it was **VOTED:** That the Town raise and appropriate or appropriate from available funds or borrowing a sum of money as may be needed for all and any of the purposes mentioned on the forgoing articles that were voted and passed, provisions for which have not been made. *Passed by a majority vote.*

Meeting dissolved at 8:29 p.m.

Attest:

Nancy E. Burnham
Town Clerk

ANNUAL TOWN MEETING JUNE 11, 2012

The 2012 Annual Town Meeting was held on June 11, 2012 in Memorial Hall. Voters entering the meeting were checked in on the list of registered voters and there were present when the Moderator called the meeting to order at 7:05 p.m. The number of voters checked as being present was as follows: Precinct 1, 54; Precinct 2, 32; and Precinct 3, 36. Total present: 122

Town Clerk, Nancy Burnham, read the return of service from Constable Kevin Materas.

Town Moderator, Lawrence McLaughlin, called for a moment of silence for the following:

Eugene A. DePratti – He joined the Athol Police Department in 1960 and was on the force until his retirement in 1982 as a sergeant.

Clifford J. Savoy – He worked for the Athol Fire Department for more than 37 years, retiring as a Captain in September 1990. He also served the Town as the Parking Clerk, Precinct Representative and was a member of the Traffic Safety Committee.

Bradford E. Coolidge – He worked as a firefighter and EMT for the Athol Fire Department. He was a call firefighter from August 1982 to January 1985. He became a permanent firefighter in January 1985 until February 2012.

Citations were handed out by State Representative Denise Andrews to Dr. Wayne E. Miller, Selectman; David Ames, Town Manager; and Plotkins Furniture.

The Board of Selectmen handed out the Annual Margaret Grazis Awards:
Employee of the Year – Andy Soltysik, Athol Firefighter/EMT
Citizen of the Year – Carol Ambrozy

The following is a true record of the votes taken at the June 11, 2012 Annual Town Meeting.

- Article 1** On the Motion of Kenneth Duffy, it was **VOTED:** That the Town of Athol choose all necessary Town Officers not already elected. *Passed by a majority vote.*
- Article 2** On the Motion of Kenneth Duffy, it was **VOTED:** That the Town of Athol review and act upon the reports of Town Offices and to receive the reports of any committee. *Kenneth Duffy, Chairman of FWAC read a report from the Finance and Warrant Advisory Committee. Passed by a majority vote.*
- Article 3** On the Motion of Kenneth Duffy, it was **VOTED:** That the Town of Athol accept all donations and gifts received and turned into the treasury during fiscal year 2013. *Passed by a majority vote.*
- Article 4** On the Motion of Gary Deyo, it was **VOTED:** That the Town of Athol vote accept all cemetery and other funds received and provided to the treasury during fiscal year 2013. *Passed by a majority vote.*
- Article 5** On the Motion of Erik Euvrard, it was **VOTED:** That the Town of Athol authorize the treasurer to enter into a compensating balance agreement or agreements for fiscal year 2013 pursuant to Chapter 44, Section 53F of the Massachusetts General Law. *Passed by a majority vote.*
- Article 6** On the Motion of Alan Dodge, it was **VOTED:** That the Town of Athol authorize the Board of Selectmen to apply for, accept, and expend any and all State and Federal grants for fiscal year 2013, for which no additional appropriate by the Town is required. *Passed by a majority vote.*
- Article 7** On the Motion of Paul Nelson, it was **VOTED:** That the Town of Athol appropriate \$11,567,282 to fund the fiscal year 2013 budget to be funded as follows: \$11,516,782 from taxation; transfer \$15,500 from the parking meter receipt account; and transfer \$35,000 from the Cemetery Trust Fund and to be expended as printed below:

Division/Department	FY11	FY12	FY13	Dif
Finance				
Accountant	110,350	100,003	103,839	3,836
Assessor	107,058	112,172	115,187	3,015
FWAC	111,450	101,450	126,450	25,000
Capital Planning Committee	1,270	1,270	1,270	0
Town Collector	127,014	2,980,671	2,952,364	-28,307
Treasurer	2,869,445	0	0	0
Subtotal	3,326,587	3,295,566	3,299,110	3,544
Public Safety				
Animal Control	42,560	43,707	0	-43,707
Building Inspector	99,874	100,977	100,484	-493
Fire Department	1,568,072	1,726,146	1,730,804	4,658
Health Department	107,983	112,305	111,030	-1,275
Police department	1,436,898	1,519,137	1,652,541	133,404
Sealer of Weights and Measures	7,765	7,765	7,765	0
Wire Inspector	24,190	25,015	26,731	1,716
Subtotal	3,287,342	3,535,052	3,629,355	94,303
Public Services				
Board of Selectmen	517,380	534,335	530,051	-4,284
Council on Aging	110,130	131,829	118,471	-13,358

Conservation Commission	13,800	13,800	13,800	0
Contributory Retirement	1,161,163	1,234,237	1,181,995	-52,242
Elections & Registration	23,294	19,794	24,494	4,700
Library	410,836	420,353	442,864	22,511
Parking	10,348	12,593	12,593	0
Personnel Board	350	350	350	0
Planning Board	1,750	1,850	1,850	0
Planning /CDBG	149,414	152,161	100,710	-51,451
Professional Services	142,134	144,610	144,610	0
Recreation	53,500	49,873	49,873	0
Beaches	22,675	22,675	22,675	0
Teen Task Force		0	0	0
Town Buildings	108,519	115,269	117,948	2,679
Town Clerk	110,170	112,619	117,303	4,684
Town Manager	115,261	111,279	154,269	42,990
Veterans	181,792	181,643	181,901	258
Zoning Board of Appeals	4,055	4,230	4,230	0
Subtotal	3,136,571	3,263,500	3,219,987	-43,513
Public Works	1,393,341	1,407,333	1,418,830	11,497
	11,143,841	11,501,451	11,567,282	65,831

Passed by a majority vote.

Article 8 On the Motion of Kenneth Duffy, it was **VOTED:** That the Town appropriate \$692,924.81 to fund the fiscal year 2013 Capital Improvement Plan to be funded as follows: \$24,958.35 from taxation; \$464,941 from free cash; \$38,300.41 from land sales, \$164,725.05 from FY03, FY04, FY05, FY06 & FY07 Capital Improvement Plans and to close out aforementioned Capital Improvement Plans as recommend by the Capital Program Committee and as detailed in the charts below:

Department	Item/Project	CPC Budget FY13	CPC General FY13	CPC Transfer
Assessing	Revaluation	44,322.40	18,510.34	25,812.06
	Subtotal	44,322.40	18,510.34	25,812.06
COA	Senior Center Furniture	50,000.00	50,000.00	
	Subtotal	50,000.00	50,000.00	
Town Hall	Electrical System Update anaylsis	4,000.00	4,000.00	
	Subtotal	4,000.00	4,000.00	
Fire - vehicles				
Fire - projects	Plymo-Vent, upgrade diesel exhaust system	45,000.00	45,000.00	
Fire - equipment	Accountability System	15,000.00	15,000.00	
	Subtotal	60,000.00	60,000.00	0.00
DPW - Vehicles	Leases, Repairs, Replacement	150,000.00	77,747.33	72,252.67
DPW - Buildings		0.00	0.00	
DPW - Projects	Non- Chapter 90	60,000.00	60,000.00	

	Grant Project match	50,000.00	50,000.00	
	Infrastructure	75,000.00	75,000.00	
	Dam Improvements	30,000.00	30,000.00	
	Bridge / Culvert Improvements	40,000.00	40,000.00	
	Cemeteries	9,942.09	9,942.09	
DPW-- Water	Improvements & Vehicle	25,000.00		25,000.00
DPW-- Sewer	Improvements & Vehicle	25,000.00		25,000.00
	Sub Total	464,942.09	342,689.42	122,252.67
Library		20,560.32	0.00	20,560.32
	Sub Total	20,560.32	0.00	20,560.32
Police - Vehicles	Cruiser	39,100.00		39,100.00
Police - Equipment				
Police - Project	Radio Tower relocation w/ AFD	25,000.00	18,000.00	7,000.00
	Sub Total	64,100.00	18,000.00	46,100.00
ARRSD				
Buildings	Pleasant St. School boiler	35,000.00	35,000.00	
Equipment				
	Sub Total	35,000.00	35,000.00	
CIP Reserve				
	Total CPC Budget	742,924.81	528,199.76	214,725.05

Passed by a majority vote.

**Capital Plan Committee Transfer
breakdown**

Yr	Project	Money	keep	transfer	Description	General	Police	DPW	Fire	Library
08	Ambulance	184.09		184.09	FY13 Ambulance reserve				184.09	
06	South Main Sidewalk	17,562.67		17,562.67	FY13 sidewalks			17,562.67		
03	Exchange St Bridge	54,690.00		54,690.00	FY13 bridges			54,690.00		
06	Bld Des Match	1,240.00		1,240.00	FY13 Library					1,240.00
08	Bldg Repair	3,344.00		3,344.00	FY13 Library					3,344.00
08	Parking lot	4,633.56		4,633.56	FY13 Library					4,633.56
04	Archives	5,092.76		5,092.76	FY13 Library					5,092.76
07	Lib HVAC	6,250.00		6,250.00	FY13 Library					6,250.00
06	Plymouth	3,500.00		3,500.00	FY13 police cruiser		3,500.00			
05	D1	5,000.00		5,000.00	FY13 police cruiser		5,000.00			
06	Ford	5,000.00		5,000.00	FY13 police cruiser		5,000.00			
06	Ford	5,600.00		5,600.00	FY13 police cruiser		5,600.00			
05	A8	6,000.00		6,000.00	FY13 police cruiser		6,000.00			
06	Dodge	7,000.00		7,000.00	FY13 police cruiser		7,000.00			
06	Dodge	7,000.00		7,000.00	FY13 police cruiser		7,000.00			
06	Ford	7,000.00		7,000.00	FY13 police cruiser		7,000.00			
05	Debt bonding	16,689.13		16,689.13	FY13 reserve	16,689.13				
06	Ladder 1	11.26		11.26	FY13 reserve	11.26				
08	Town Hall Bldg	46.00		46.00	FY13 reserve	46.00				
06	Vehicles	49.90		49.90	FY13 reserve	49.90				
05	A4	87.00		87.00	FY13 reserve	87.00				
04	Forestry	13.14		13.14	FY13 reserve	13.14				
07	Breath App	531.80		531.80	FY13 reserve	531.80				
08	Windows	720.00		720.00	FY13 reserve	720.00				
05	R2 pickup	953.36		953.36	FY13 reserve	953.36				
04	GASB34	1,000.00		1,000.00	FY13 reserve	1,000.00				
03	Furnace 100 Main	1,104.37		1,104.37	FY13 reserve	1,104.37				
06	Furniture – police	1,936.10		1,936.10	FY13 reserve	1,936.10				
04	Heat	2,670.00		2,670.00	FY13 reserve	2,670.00				
08	Lake Ellis	79,636.93	79,636.93							
08	Re-eval	10,849.38	10,849.38							
08	Sewer sys	1,167.09	1,167.09							
Totals		256,562.54	91,653.40	164,909.14		25,812.06	46,100.00	72,252.67	184.09	20,560.32

Article 9 On the Motion of Ben Feldman, it was **VOTED:** That the Town of Athol transfer \$25,000 from the Water Enterprise reserve for encumbrance account for the purchase of equipment and infrastructure improvements for the Water Division. *Passed by a majority vote.*

Article 10 On the Motion of Gary Deyo, it was **VOTED:** That the Town of Athol transfer \$25,000 from the Sewer Enterprise reserve for encumbrance account for the purchase of equipment and infrastructure improvements for the Sewer Division. *Passed by a majority vote.*

Article 11 On the Motion of Erik Euvrard, it was **VOTED:** That the Town of Athol appropriate \$3,522,876 from taxation for the fiscal year 2013 assessment to the Athol-Royalston Regional School District. *Passed by a majority vote.*

Article 12 On the Motion of Alan Dodge, it was **VOTED:** That the Town of Athol appropriate \$222,442 from taxation funds for the fiscal year 2013 assessment to the Montachusett Regional Vocational Technical School District. *Passed by a majority vote.*

Article 13 On the Motion of Paul Nelson, it was **VOTED:** That the Town of Athol set the salaries of several elected officers and appointed positions of the boards of the Town.

Moderator	\$ 194.00
Selectmen, Chairman	\$1652.00
Selectmen, all other (4)	\$1377.00
Assessors, Chairman	\$1652.00
Assessors, all other (1)	\$1350.00
Constable	None
Board of Health, Chairman	\$1652.00
Board of Health, all other (2)	\$1377.00
Library Trustees	None
School Committee	None

Article 14 On the Motion of Kenneth Duffy, it was **VOTED:** That the Town of Athol appropriate from available funds \$1,091,283 to operate the Department of Public Works/Water Division Enterprise Fund.

Water Division	Expenses
Operational Expenses	747,552
Debt	196,217
Health Insurance	44,120
Overhead	103,394
Capital	0
Total	1,091,283

and that \$1,091,283 be raised as follows

Water Division	Revenues
Departmental Receipts	1,038,930

Water Fees	42,353
Water Interest	10,000
Retained Earnings for Capital	0
Total	1,091,283

Passed by a majority vote.

Article 15 On the Motion of Ben Feldman, it was **VOTED:** That the Town of Athol appropriate from available funds \$1,362,399 to operate the Department of Public Works/Sewer Division Enterprise Fund.

Sewer Division	Expenses
Operational Expenses	851,492
Debt	353,582
Health Insurance	35,680
Overhead	121,645
Capital	0
Total	1,362,399

and that \$1,362,399 be raised as follows:

Sewer Division	Revenues
Departmental Receipts	1,321,007
Fees	10,000
Sewer Interest	8,500
Reserve for Sewer Loan	22,892
Retained Earnings for Expenses	0
Retained Earnings for Capital	0
Total	1,362,399

Passed by a majority vote.

Article 16 On the Motion of Gary Deyo, it was **VOTED:** That the Town of Athol appropriate from available funds \$412,605 to operate the Department of Public Works/Transfer Station Enterprise Fund.

Transfer Station	Expenses
Operational Expenses	355,276
Debt	11,093
Health Insurance	16,236
Overhead	30,000
Total	412,605

and that \$412,605 be raised as follows:

Transfer Station	Revenues
Departmental Receipts	412,605
Retained Earnings for Expenses	0
Total	412,605

Passed by a majority vote.

Article 17 On the Motion of Erik Euvrard, it was **VOTED:** That the Town of Athol establish and authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44, Section 53E½ for fiscal year 2013.

Revolving fund	Authorized to spend	Revenue source	Use of fund	FY2013 spending limit
Plumbing Inspection	Selectmen	Plumbing Inspection fees	Pay plumbing insp. & asst. plumb. insp.	\$20,000
Recycling	Board of Health Town Manager	Grants, bulky waste, PAYT, recycling containers, compost bins	Expenses and equipment	\$20,000
Gas Inspections	Selectmen	Gas inspection fees	Pay gas insp. asst.	\$2,500
Police Detail	Police Chief	Contractors	Pay police	\$100,000
Waste Facility Debt	Town Manager	Sewer user fees	Pay upgrade debt	\$60,000
Training	Town Manager	Training Fees	Provide Training	\$3,000
Trench Permit	Building Dept.	Permit Fees & Reimbursement	Enforcement	\$5,000
Abandoned Buildings	Building Dept.	Permit Fees & Fines	Security & Safety	\$5,000
Vaccinations	Board of Health	Insurance Reimbursements & User Fees	Public Health Administration	\$25,000
Agricultural	Agricultural Commission	Farmers Market Donations	Marketing & Education	3,000
Total Spending				\$243,500

Passed by a majority vote.

Article 18 On the Motion of Alan Dodge, it was **VOTED:** That the Town of Athol initiate the process of aggregate electrical load, pursuant to MGL c. 164, §134 which reads as follows:

Whereas, the Commonwealth of Massachusetts is engaged in a process to establish a competitive market place through deregulation and restructuring of the electric utility industry;

Whereas, citizens of Athol have a substantial economic and social interest at stake, and;

Whereas the Town of Athol hereby finds that it may be in the interest of the electric ratepayers, both residential and commercial/industrial, to enter into an aggregation agreement,

Be it therefore resolved that the Town of Athol hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business communities, and;

Will negotiate and enter into a contract for power supply independently. If such a contract is affected, individual consumers would retain the option not to participate and to choose any alternatives they desire.

Passed by a majority vote.

Article 19 On the Motion of Paul Nelson, it was **VOTED:** That the Town of Athol approve the Project Application, dated May 1, 2012, submitted by Millbrook Realty Trust for rehabilitation of a facility located within the Downtown Economic Opportunity Area (EOA) and approve the Tax Increment Financing (TIF) agreement between the Millbrook Realty Trust and the Town of Athol, dated May 1, 2012 as shown above and as printed in the warrant.

YEAR	EXEMPTION %
FY 2013	100%
FY 2014	100%
FY 2015	75%
FY 2016	75%
FY 2017	75%
FY 2018	50%
FY 2019	50%
FY 2020	50%
FY 2021	25%
FY 2022	25%

Passed by a majority vote.

Article 20 On the Motion of Kenneth Duffy, it was **VOTED:** That the Town of Athol ratify the S.E.I.U. AFL-CIO-CLO Local 888 Town Hall Employees, Library, & Dispatchers Negotiated Collective Bargaining Agreement for July 1, 2012 to June 30, 2015 as funded in Article 7. *Passed by a majority vote.*

Article 21 On the Motion of Ben Feldman, it was **VOTED:** That the Town of Athol ratify The Government Employees Union Local #6 Public Works Negotiated Collective Bargaining Agreement for July 1, 2012 to June 30, 2015 as funded in Article 7. *Passed by a majority vote.*

Article 22 On the Motion of Gary Deyo, it was **VOTED:** That the Town of Athol ratify The New England Police Benevolent Association Local #59 Police Negotiated Collective Bargaining Agreement for July 1, 2012 to June 30, 2015 as funded in Article 7. *Passed by a majority vote.*

Article 23 On the Motion of Erik Euvrard, it was **VOTED:** That the Town of Athol ratify The Professional Firefighters of Athol Local #1751 Firefighters Negotiated Collective Bargaining Agreement for July 1, 2012 to June 30, 2015 as funded in Article 7. *Passed by a majority vote.*

Article 24 On the Motion of Alan Dodge, it was **VOTED:** That the Town of Athol amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule by changing the language of footnote 1 and to further see if the Town will vote to amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule by changing the language of footnote 2 as printed in the warrant.

Amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule by changing the language of footnote 1 from:

1. Provided that no structures housing poultry are within 100 ft. of any street or property line.

To the following:

1. As defined by Massachusetts General Laws, Chapter 40A, Section 3.

And to further see if the Town will vote to amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule by changing the language of footnote 2 from:

2. Provided that such activities shall be located on parcels of more than five acres in area.

To the following:

2. Provided that no structures housing poultry are within 100 ft. of any street or property line.

Required a 2/3rd's vote. The vote was 68 yes and 2 no. Motion passed.

Article 25

On the Motion of Paul Nelson, it was **VOTED:** That the Town of Athol amend the Athol Zoning Bylaws by adding Assisted Living Facilities / Residences / Communities under Article IV, Sec. 4.1 "Definitions" and Article II, Sec. 2.3. "Use Regulation Schedule" as printed in the warrant and to further see that the Town delete Article II, Section 2.4.2. and replace it with the language as printed in the warrant.

Amend the Athol Zoning Bylaws Article IV, Section 4.1, "Definitions" by adding the following language;

Assisted Living Facilities/Residences/Communities A facility, residence or community, certified by the Massachusetts Executive Office of Elder Affairs, which provides supervision or assistance to senior citizens with activities of daily living; coordination of services by outside health care providers; and monitoring of resident activities to help to ensure their health, safety and well-being.

and to further see if the Town will vote to amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule, by adding, under the category of RESIDENTIAL USES, the sub-category Assisted Living Facilities/Residences/Communities:

	Residence A	Residence B	Residence C	Central Commercial	Neighborhood Commercial	General Commercial	Industrial Commercial
<u>2.3 Use Regulation Schedule</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>CA</u>	<u>CB</u>	<u>G</u>	<u>I</u>
RESIDENTIAL USES							
Assisted Living Facilities/Residences/Communities	SP	N	SP	N	N	SP	SP

And to further see if the Town of Athol will vote to amend the Athol Zoning Bylaws Article II, Section 2.4.2 by deleting the following language;

2.4.2 No more than one principal building shall be permitted per lot, except in the Industrial Commercial District. This exception shall require a Special Permit as provided for in section 1.2.6 and this exception shall not apply to any residential uses.

And replacing it with the following:

- 2.4.2 No more than one principal building shall be permitted per lot with the following exceptions:
1. Industrial and commercial developments in the Industrial Commercial District

2. Industrial and commercial developments for lots that the town has received Chapter 43D, Expedited Permitting designation from the Commonwealth of Massachusetts
 3. Assisted Living Facilities/Residences/Communities in all zoning districts for which they are permitted.
- These exceptions shall require a Special Permit as provided for in section 1.2.6.

Required a 2/3rd's vote. The vote was 57 yes and 11 no. Motioned passed.

Article 26 On the Motion of Kenneth Duffy, it was **VOTED:** That the Town of Athol amend the Athol Zoning Bylaws Article III, Section 3.1, Non-Conforming Uses as printed in warrant above.

- 3.1 Non-Conforming Uses - The lawful use of any structure, building or land existing at the time of the enactment or subsequent amendment of this By-Law, may be continued although such structure, building or use does not conform with provisions of the By-Law, subject to the following conditions and exceptions:

And replacing it with the following:

3.1 Non-Conforming Uses - The lawful use of any structure, building, sign or land existing at the time of the enactment or subsequent amendment of this bylaw may be continued although such structure, building, sign or use does not conform with provisions of the bylaw subject to the following conditions and exceptions:

Required a 2/3rd's vote. The vote was 71 yes and 4 no. Motion passed.

Article 27 On the Motion of Ben Feldman, it was **VOTED:** That the Town of Athol amend the Athol Zoning Bylaws Article III, by deleting Section 3.9 Sign Regulations and replacing it with the following.

3.9 Sign Regulations

3.9.1 Illumination, Motion, Sound, Location Regulations

- 3.9.1.1 Signs shall be illuminated only by internal illumination or shielded light directed at the sign, without causing glare for motorists, pedestrians or neighboring premises.
- 3.9.1.2 Flashing or animated signs, strings of flags, spinners or other similar devices which tend to unduly divert the attention of motorists shall not be permitted in any district.
- 3.9.1.3 Loud noise shall not be part of any sign. However, sound that reaches the public from an establishment may be permitted if it is not used as an advertising or an attention-getting device such as clock chimes or seasonal music.
- 3.9.1.4 Private signs shall generally be attached to buildings and shall not project over public streets and vehicle rights-of-way. Signs shall not be attached above the roof line of a building.
- 3.9.1.5 No free standing sign shall be located in such a manner that it substantially blocks another sign or obstructs vehicular or pedestrian traffic.
- 3.9.1.6 Directional Signs
 - (a) Directional signs may be located off-site and at intersections of town roads provided they do not obstruct vision on the right of way.

- (b) Directional signs may bear only the name of a business or town property, its' address, logotype, distance and directional arrow.
- (c) Directional signs shall not be illuminated.
- (d) The cost of the signs, their installation and maintenance shall be the sole responsibility of the sign owners.
- (e) Sign owners shall remove the sign if the business is moved to a new location and the sign becomes invalid.

3.9.1.7 Special Event Signs may be located off-site with the approval of the Board of Selectmen.

- (a) Special Event Signs shall not be erected more than 30 days prior to the event and shall be removed by the event organizer within 24 hours following the event.

3.9.2 All signs, whether erected before or after the effective date of this By-Law shall be maintained in a safe condition to the satisfaction of the building inspector.

3.9.3 Existing signs, excluding billboards, shall be subject to the nonconforming regulations provided in this By-Law.

3.9.4 Sign Regulation Schedule

3.9.4.1 Signs for non-residential activities in non-residential zones

3.9.4 Sign Regulation Schedule

3.9.4.1 Signs for non-residential activities in non-residential zones

<u>SIGN TYPE</u>	<u>NUMBER PERMITTED</u>	<u>MAXIMUM SIZE IN SQ. FT.</u>	<u>LOCATION/OTHER</u>	<u>TYPE OF PERMIT</u>
1. Permanent				
a. Accessory	Unlimited	Total area of all signs shall not aggregate more than 2.5 sq. ft. of lot frontage providing access	Wall, iconographic or hanging	Building
b. Building Directory	1	40 sq. ft.	Free standing, wall or hanging.	* Building
c. Directory	Unlimited	-	To be included in a building directory sign.	* Building
d. Identification	2	Total area of both signs shall not aggregate more than 100 sq. ft. in area.	Free standing, hanging; may not be not located in required side or rear yard.	Building
2. Temporary (Permitted up to twelve (12) months)				
a. Sale or Rent	1		Unlighted	None
b. Construction	1		Unlighted	None
c. Window	Unlimited		Illuminated by building illumination	None
d. Special Event	2	32 sq. ft.	Unlighted	On-Site: None Off-Site: Board of Selectmen
e. Directional	Unlimited	40 sq. ft.	Unlighted	Building
f. Political	Unlimited		Unlighted	None
g. Banners			Unlighted	Building

* Amendment effective May 5, 1985.

3.9.4 Sign Regulation Schedule

3.9.4.2 Signs for non-residential activities in residential zones

<u>SIGN TYPE</u>	<u>NUMBER PERMITTED</u>	<u>MAXIMUM SIZE IN SQ. FT.</u>	<u>LOCATION/OTHER</u>	<u>TYPE OF PERMIT</u>
1. Permanent				
a. Accessory	Unlimited	Total area of all signs shall not aggregate more than 2.5 sq. ft./ft. of lot frontage providing access	Wall, iconographic or hanging	Building
b. Building Directory	1	40 sq. ft.	Free standing, wall or hanging.	* Building
c. Directory	Unlimited	-	To be included in a building directory sign.	* Building
d. Identification	2	Total area of both signs shall not aggregate more than 100 sq. ft. in area.	Free standing, hanging; may not be not located in required side or rear yard.	* Building
2. Temporary (Permitted up to twelve (12) months)				
a. Sale or Rent	1	32 sq. ft.	Unlighted	None
b. Construction	1	32 sq. ft.	Unlighted	None
c. Window	Unlimited	Covering no more than 30% of inside display.	Illuminated by building illumination	None
d. Special Event	2	32 sq. ft.	Unlighted	On-Site: None Off-Site: Board of Selectmen
e. Directional	Unlimited	40 sq. ft.	Unlighted	Building
f. Political	Unlimited		Unlighted	None
g. Banners			Unlighted	Building

* Amendment effective May 5, 1985.

3.9.4 Sign Regulation Schedule

3.9.4.3 Signs for residential activities in non-residential zones

<u>SIGN TYPE</u>	<u>NUMBER PERMITTED</u>	<u>MAXIMUM SIZE IN SQ. FT.</u>	<u>LOCATION/OTHER</u>	<u>TYPE OF PERMIT</u>
1. Permanent				
a. Accessory	1 / family	2 sq. ft.	Indicating owner or occupant or pertaining to accessory use.	Building
b. Building Directory				
c. Directory				
d. Identification	1	10 sq. ft.	Identification of permitted use.	Building
2. Temporary (Permitted up to twelve (12) months)				
a. Sale or Rent	1	32 sq. ft.	Unlighted	None
b. Construction	1	32 sq. ft.	Unlighted	None
c. Window	Unlimited	Covering no more than 30% of inside display.	Illuminated by building illumination	None
d. Special Event	2	32 sq. ft.	Unlighted	On-Site: None Off-Site: Board of Selectmen

3.9.4 Sign Regulation Schedule

3.9.4.4 Signs for residential activities in residential zones

<u>SIGN TYPE</u>	<u>NUMBER PERMITTED</u>	<u>MAXIMUM SIZE IN SQ. FT.</u>	<u>LOCATION/OTHER</u>	<u>TYPE OF PERMIT</u>
1. Permanent				
a. Accessory	1 / family	2 sq. ft.	Indicating owner or occupant or pertaining to accessory use.	Building
b. Building Directory				
c. Directory				
d. Identification	1	10 sq. ft.	Identification of permitted use.	Building
2. Temporary (Permitted up to twelve (12) months)				
a. Sale or Rent	1	32 sq. ft.	Unlighted	None
b. Construction	1	32 sq. ft.	Unlighted	None
c. Window	Unlimited	Covering no more than 30% of inside display.	Illuminated by building illumination	None

Required 2/3rd's vote. The vote was 67 yes and 1 no. Motioned passed.

Article 28 On the Motion of Erik Euvrard, it was **VOTED:** That the Town of Athol vote to amend the Athol Zoning Bylaws by adding Ground-Mounted Solar Photovoltaic Installation under Article III, Sec. 3.24 and Article II, Sec. 2.3 “Use Regulation Schedule” as printed in the warrant.

3.24 Ground-Mounted Solar Photovoltaic Installations

3.24.1 Purpose and Intent

The purpose and intent of this bylaw is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of ground-mounted solar photovoltaic installations which address public safety, minimize impacts on scenic, natural and historic resources, and, in the case of large-scale commercial installations, to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of ground-mounted solar photovoltaic installations.

3.24.2 Applicability

This bylaw applies to commercial and residential ground-mounted solar photovoltaic installations greater than 5,000 gross square feet proposed to be constructed after the effective date of this bylaw. This bylaw also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

This bylaw does not pertain to solar photovoltaic panels installed on residential, industrial or commercial structures. Those installations are subject to the State Building Code.

Subject to the requirements of this bylaw, ground-mounted solar photovoltaic installations shall be permitted in all zoning districts.

3.24.3 Permit Granting Authority

The Permit Authorizing Committee, as defined in section 3.17, Major Commercial Overlay District (MCO), shall be the Permit Granting Authority for ground-mounted solar photovoltaic installations sited on lots that the town has received Chapter 43D, Expedited Permitting designation from the Commonwealth of Massachusetts. In all other cases, the Permit Granting Authority shall be the Planning Board.

3.24.4 General Requirements for all Ground-Mounted Solar Photovoltaic Installations

The following requirements shall apply to all ground-mounted solar photovoltaic installations.

3.24.4.1 Compliance with Laws, Bylaws and Regulations

The construction and operation of all ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a ground-mounted solar photovoltaic installation shall be constructed in accordance with the State Building Code.

3.24.4.2 Building Permit and Building Inspection

No ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

3.24.4.3 Fees

The application for a building permit for a ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.

3.24.4.4 Site Plan Review

All ground-mounted solar photovoltaic installations greater than 5,000 gross square feet shall undergo site plan review by the Permit Granting Authority prior to construction, installation or modification as provided in this section as well as section 3.17.13, MCOD Site Plan Review and section 3.18, Site Plan Review, as applicable. Square footage shall be determined by the dimensions of the solar photovoltaic panels used for the installation. For example, if the panel dimensions are 3 feet by 5 feet and a total of 300 panels are to be installed, the gross square footage shall be calculated as follows: $(3 \times 5) \times 300 = 4,500$ square feet.

3.24.4.4.1 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

3.24.4.4.2 Required Documents

Pursuant to the site plan review process, the applicant shall also provide the following documents:

- (a) A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
 - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

- v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- vi. Name, address, and contact information for proposed system installer;
- vii. Name, address, phone number and signature of the applicant, as well as all co-proponents or property owners, if any;
- viii. The name, contact information and signature of any agents representing the applicant; and
- (b) Documentation of actual or prospective access and control of the project site (see also Section 3.24.5);
- (c) An operation and maintenance plan (see also Section 3.24.6);
- (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (e) Proof of liability insurance at an amount approved by the Permit Granting Authority; and
- (f) Description of financial surety that satisfies Section 3.24.12.3.
- (g) Architectural concepts of sight lines from abutting residential, commercial and industrial structures.

The Permit Granting Authority may waive documentary requirements, as it deems appropriate.

3.24.5 Site Control

The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

3.24.6 Operation & Maintenance Plan

The applicant shall submit a plan for the operation and maintenance of the ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

3.24.7 Utility Notification

No ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Permit Granting Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

3.24.8 Dimension and Density Requirements

3.24.8.1 Setbacks

For ground-mounted solar photovoltaic installations, front, side and rear setbacks must observe all yard requirements applicable to the principal structure as

defined in section 2.6, Intensity of Use Schedule. The Permit Granting Authority may increase these setbacks if they determine it to be appropriate.

3.24.8.2 Appurtenant Structures

All appurtenant structures to ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures shall be shaded from view by vegetation approved by the Permit Granting Authority and/or joined or clustered to avoid adverse visual impacts.

3.24.9 Design Standards

3.24.9.1 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3.24.9.2 Signage

Signs shall comply with Section 3.9, Sign Regulations. The following signs shall be required, including:

- (a) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warnings of any danger, and,
- (b) Educational signs providing information about solar photovoltaic panels and the benefits of renewable energy.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

3.24.9.3 Utility Connections

Reasonable efforts, as determined by the Permit Granting Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.

3.24.10 Safety and Environmental Standards

3.24.10.1 Emergency Services

The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. The applicant shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly

marked in the plan. The applicant shall identify an official representative for public inquiries throughout the life of the installation.

3.24.10.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. The installation design shall minimize fragmentation of open space areas and shall avoid permanently protected open space when feasible. The installation shall also be located in a manner that does not have significant negative impacts on rare species in the vicinity.

3.24.11 Monitoring and Maintenance

3.24.11.1 Solar Photovoltaic Installation Conditions

The applicant shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and Emergency Medical Services. The applicant shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

3.24.11.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Permit Granting Authority. A change to the specifications of any of the equipment installed at the site shall be considered a material modification. A change of the supplier for any of the equipment installed at the site shall not be considered a material modification.

3.24.12 Abandonment or Decommissioning

3.24.12.1 Removal Requirements

Any ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 3.24.12.2 of this bylaw shall be removed. The applicant shall physically remove the installation no more than 150 days after the date of discontinued operations. The applicant shall notify the town building inspector by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

- (a) Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Permit Granting Authority may allow the applicant to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3.24.12.2

Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than six months without the written consent of the building inspector. If the applicant fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove all equipment and structures that comprise the ground-mounted solar photovoltaic installation.

3.24.12.3

Financial Surety

The applicant shall provide a form of surety, either through an escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Permit Granting Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the Permit Granting Authority. Such surety shall be held by the Town Treasurer and have either an automatic renewal date clause or no expiration date. Such surety will not be required for municipally- or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

3.24.13

Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

And to further see if the Town will vote to amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule, by adding, under the category of OTHER USES, the sub-category Ground-Mounted Solar Photovoltaic Installations:

	Residence A	Residence B	Residence C	Central Commercial	Neighborhood Commercial	General Commercial	Industrial Commercial
<u>2.3 Use Regulation Schedule</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>CA</u>	<u>CB</u>	<u>G</u>	<u>I</u>
<u>OTHER USES</u>							
Accessory Uses to Activities Permitted as a Matter	SP	SP	SP	SP	SP	SP	SP

or Right for Scientific Research or Scientific
Development or Related Production 18

Accessory Uses	Y	Y	Y	Y	Y	Y	Y
Airport	N	N	SP	N	N	N	SP
Signs 19							
Temporary 19	Y	Y	Y	Y	Y	Y	Y
Small-Wind Energy Systems	Y	Y	Y	N7	Y	Y	Y
Large-Wind Energy Systems	N	N	Y	N	N	N	Y
Billboards	N	N	N	N	N	N	N
Permanent 19 (See sign reg. Sec. 3.9)							
Temporary Structures	Y	Y	Y	Y	Y	Y	Y
Ground-Mounted Solar Photovoltaic Installations	Y	Y	Y	Y	Y	Y	Y

Required a 2/3rd's vote. The vote was 70 yes and 2 no. Motioned passed.

Article 29 On the Motion of Paul Nelson, it was **VOTED:** That the Town of Athol amend the Athol Zoning Bylaws by adding Wireless Telecommunication Facilities under Article III, Sec. 3.25 and Article II, Sec. 2.3 "Use Regulation Schedule" as printed in the warrant.

3.25 Wireless Telecommunication Facilities

3.25.1 Purpose and Intent

The purpose and intent of this bylaw is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of Wireless Telecommunication Facilities, Repeaters and Towers that protect public health and safety; minimize impacts on scenic, natural and historic resources; and provide adequate financial assurance for the eventual decommissioning of such facilities.

This bylaw is to be used in conjunction with other regulations adopted by the town, including site plan review and other local bylaws designed to encourage appropriate land use, environmental protection and provision of adequate infrastructure development. The provisions set forth in this bylaw shall take precedence over all other bylaws when considering applications related to the construction, operation, and/or repair of Wireless Telecommunication Facilities, Repeaters and Towers.

3.25.2 Applicability

This bylaw applies to all Wireless Telecommunication Facilities, Repeaters and Towers proposed to be constructed in designated locations after the effective date of this bylaw.

This bylaw also pertains to physical modifications to existing Wireless Telecommunication Facilities, Repeaters and Towers that materially alter the type, configuration, or size of such facilities or related equipment.

Subject to the requirements of this bylaw, Wireless Telecommunication Facilities shall be permitted in the Rural Single-Family Residential (RC) and the Industrial Commercial (I) zoning districts. Wireless Transceiver Antenna Arrays shall be permitted in all zoning districts.

3.25.3 Exemptions

The provisions of this bylaw shall not apply to:

1. Wireless telecommunications facilities providing safety or emergency services for any federal, state or municipal body;
2. Amateur radio antennas licensed by the Federal Communications Commission and subject to General Laws Chapter 40A, section 3, provided that such antennas are not used for any commercial purpose and do not exceed 35 feet in height;
3. Home television or internet access antennas;
4. Medical facilities for transmittal of clinical medical information.

No Wireless Telecommunications Facility or Repeater shall be considered exempt from this bylaw for any reason whether or not said Facility or Repeater will share a Tower or other structure with such exempt uses.

3.25.4 Definitions

Building Inspector: The inspector of buildings, building commissioner, or local inspector charged with the enforcement of the state building code and zoning bylaws.

Co-location: The use of a single free-standing Wireless Telecommunications Facility by more than one carrier.

Existing Structure: Residential or commercial buildings, barns, silos, water towers, public utility transmission poles or towers, or other similar structures where wireless telecommunication technology is to be deployed.

Height: The height of a wireless transceiver tower structure measured from the grade at the base of the tower to its' highest point.

Permit Granting Authority: The Permit Authorizing Committee, as defined in section 3.17, Major Commercial Overlay District (MCOD), shall be the Permit Granting Authority for Wireless Telecommunication Facilities and Wireless Transceiver Antenna Arrays sited on lots that the town has received Chapter 43D, Expedited Permitting designation from the Commonwealth of Massachusetts. The Planning Board shall be the Permit Granting Authority for Wireless Telecommunication Facilities and Wireless Transceiver Antenna Arrays sited in all other locations throughout the Town of Athol.

Provider or Carrier: Any person, corporation or other entity engaged in the business of providing wireless telecommunication services.

Repeater: A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a Wireless Telecommunication Facility.

Wireless Telecommunications Facility: A facility consisting of the structures, including towers and antennas mounted on towers and buildings, equipment and equipment shelters, accessory buildings and structures, involved in sending and receiving telecommunications, radio signals and high-speed (Broadband) internet service to subscribers.

Wireless Transceiver Antenna Array: Any series of antenna or array of antennas, including Repeaters, that receives and transmits telecommunications or radio signals as well as high-speed (Broadband) internet service to subscribers.

Wireless Transceiver Tower Structure: A lattice structure or framework, or monopole that is designed to support wireless transceiver antenna arrays.

3.25.5 General Requirements for all Wireless Telecommunication Facilities

The following requirements are common to all Wireless Telecommunication Facilities to be sited in designated locations.

3.25.5.1 Compliance with Laws, Bylaws and Regulations

The construction and operation of all such proposed Wireless Telecommunication Facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

3.25.5.2 Building Permit and Building Inspection

No Wireless Telecommunication Facilities shall be erected, constructed, installed or modified as provided in this section without first obtaining a building permit from the Town building inspector. Under the state building code, work must commence within six (6) months from the date a building permit is issued, however, an applicant may request an extension of the permit and more than one extension may be granted.

3.25.5.3 Fees

The application for a building permit for a Wireless Telecommunication Facility must be accompanied by the fee required for a building permit.

3.25.5.4 Site Plan Review

No Wireless Telecommunication Facility shall be erected, constructed, installed, or modified as provided in section 3.25.5 without first complying with the Site Plan Review process.

Wireless Telecommunication Facilities, which are to be sited on lots that the town has received Chapter 43D, Expedited Permitting designation from the Commonwealth of Massachusetts, shall be subject to the MCOD Site Plan Review process as defined in section 3.17.13, MCOD Site Plan Review.

Wireless Telecommunication Facilities, which are to be sited in all other permitted locations, shall be subject to the Site Plan Review process as defined in section 3.18, Site Plan Review.

3.25.5.4.1 General

1. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts.
2. Applicant must demonstrate the following to the satisfaction of the Permit Granting Authority:
 - (a) That existing structures or towers cannot accommodate the Wireless Transceiver Antenna Array and associated equipment for the proposed project.
 - (b) The location of the Wireless Transceiver Tower Structure is necessary and that the size and height of the tower structure is the minimum necessary for the purpose.

3.25.5.4.2 Required Documents

Pursuant to the site plan review process, the applicant shall also provide the following documents:

- (a) A site plan showing:
 - i. A locus plan prepared and certified by a professional engineer depicting all property lines, the exact location and dimension of all components of the proposed facility including all structures, streets, landscape features, including contours, residential dwellings and all buildings within 500 feet of the proposed facility;
 - ii. A narrative description of the proposed facility including the location and identification of all components together with a statement describing the purpose of each component and its intended function plus photographs or other graphic illustrations fairly depicting the physical appearance of the proposed components;
 - iii. An itemized description of other wireless telecommunications facilities owned and/or operated by the applicant or for which the applicant is currently seeking approval and which are either located in the Town of Athol or within a two mile radius of the Town of Athol or which are capable of providing service to customers operating within the Town of Athol;
 - iv. A description of all federal, state and local licenses, permits, or other approvals obtained by the applicant to date or to be obtained by the applicant prior to construction of the proposed facility;
 - v. A statement as to whether an Environmental Assessment (EA), a Draft Environmental Impact Statement (DEIS) or Environmental Impact Statement (EIS) is or will be required under the National Environmental Protection Act or the National Historic Preservation Act, and if so, a copy of the said EA, DEIS, or EIS;
 - vi. A description in both geographical and radio frequency terms of the scope and quality of the service currently being provided to the Town of Athol by the applicant's existing facilities, if any;
 - vii. a description in both geographical and radio frequency terms as to the need to be addressed by the proposed facility;

- viii. a description in both geographical and radio frequency terms as to precisely the manner in which the proposed facility addresses the needs identified in subsection vii above;
- ix. A statement describing the current state of technology available to provide wireless telecommunications services, and whether any such technology is available and feasible for the purpose of addressing the proposed need described in subsection vii above. A statement as to whether the applicant considered any alternatives to a free-standing facility including but not limited to co-locating on an existing facility and, if so, the reason(s) such alternatives are not being proposed;
- x. a statement as to why there exists no feasible alternative to a free-standing facility to address the need identified by the applicant in subsection vii above;
- xi. A statement as to whether the need identified in subsection vii above may be adequately met by siting a facility on other property;
- xii. A description of the radio frequency testing procedures conducted by the applicant in connection with the proposed facility, if any, and the results thereof;
- xiii. A statement as to whether the proposed facility will have any impact on an environmentally, historically or archaeologically significant area in the vicinity of the proposed facility;
- xiv. A statement setting forth the applicant's projected future needs for wireless telecommunication facilities within the Town of Athol;
- xv. A description of the terms of any co-location agreements between the applicant and any other provider of wireless telecommunication services to the Town of Athol and whether the applicant is seeking approval of co-location facilities on the proposed free standing facility, and if so, a detailed description in compliance with the preceding sub-sections of all components of the co-location facility for which the applicant is seeking approval.
- xvi. Location of all existing and proposed roads, both public and private, and including temporary roads or driveways, on the site parcel and adjacent parcels within 500 feet of the site parcel;
- xvii. Any existing overhead utility lines;
- xviii. Existing areas of tree cover, including average height of trees, on the site parcel and any adjacent parcels within a distance, measured from the Wireless Telecommunication Facility tower foundation, of 1.2 times the height of the proposed tower;
- xix. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting (other than FAA lights), screening vegetation or structures;
- xx. Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
- xxi. Tower blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
- xxii. One or three line electrical diagram detailing the Wireless Telecommunication Facility, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices;
- xxiii. Documentation of the Wireless Telecommunication Facility's manufacturer and model, tower height, tower type (freestanding or guyed), and foundation type/dimensions;
- xxiv. Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;
- xxv. The name, contact information and signature of any agents representing the applicant; and

xxvi. A maintenance plan for the Wireless Telecommunication Facility;

- (b) Documentation of actual or prospective access and control of the project site (see also Section 3.25.7);
- (c) Photographic representation from a suitable number of locations of a balloon or crane test, or such other reasonable equivalent, of the height of the proposed free standing facility, so as to depict the visual impact of the proposed facility on the Town, the neighborhood and the abutters to the site.
- (d) An operation and maintenance plan (see also Section 3.25.8);
- (e) Proof of liability insurance, in an amount, and for a duration, sufficient to cover loss or damage to persons and property occasioned by the failure of the facility;
- (f) Certification of height approval from the Federal Aviation Administration;
- (g) Description of financial surety that satisfies Section 3.25.13.3.

The Permit Granting Authority may waive documentary requirements as it deems appropriate.

3.25.6 Criteria for attaching a Wireless Transceiver Antenna Array or Repeater to existing structures are as follows:

- (a) Attaching a Wireless Transceiver Antenna Array or Repeater to any existing public utility transmission towers or poles, or newly installed poles if adjacent to existing public utility transmission poles, shall be permitted if the height of the Wireless Transceiver Antenna Array or Repeater is not over ten (10) feet in height above the utility transmission tower or pole. If the Wireless Transceiver Antenna Array or Repeater exceeds ten (10) feet in height, the applicant must provide the Permit Granting Authority technical justification for the additional height. The Permit Granting Authority may grant the additional height if they determine that it does not have an undue visual impact on the scenic character or appearance of the area.
- (b) Installation of the Wireless Transceiver Antenna Array or Repeater and associated equipment inside an existing structure and is not visible from the street shall be permitted.
- (c) Installation of the Wireless Transceiver Antenna Array or Repeater on the exterior of an existing structure shall be permitted if the array or repeater is less than ten (10) feet in height above the roofline. If the exterior installation of a Wireless Transceiver Antenna Array or Repeater exceeds ten (10) feet in height above the roofline of the existing structure, the applicant must provide the Permit Granting Authority technical justification for the additional height. The Permit Granting Authority may grant the additional height if they determine that it does not have an undue visual impact on the scenic character or appearance of the area.
- (d) Installation of the Wireless Transceiver Antenna Array or Repeater and associated equipment on a pre-existing HAM Operator Tower shall be permitted.

3.25.7 Site Control

The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for installation and operation of the proposed **Wireless Telecommunication Facility**. Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

3.25.8 Operation & Maintenance Plan

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the **Wireless Telecommunication Facility**.

3.25.9 Design Standards

3.25.9.1 Appearance, Color and Finish

Color and appearance shall comply with Federal Aviation Administration (FAA) safety requirements.

3.25.9.2 Lighting

Wireless Telecommunication Facility towers shall be lighted only if required by the FAA. Lighting of other parts of the **Wireless Telecommunication Facility**, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Except as required by the FAA, lighting of the **Wireless Telecommunication Facility** towers shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3.25.9.3 Signage

Signs on **Wireless Telecommunication Facilities** shall comply with Section 3.9, Sign Regulations. The following signs shall be required:

- (a) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warnings of any danger.

Wireless Telecommunication Facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the facility.

3.25.9.4 Height

The height of the tower structure, antennas and all related facilities shall not exceed the lesser of 90 feet above the average height of the tree line within 200 feet from the base of the tower, or 170 feet total tower height. However, additional height may be approved upon finding by the Permit Granting Authority that the additional height is required in order to provide adequate coverage or to eliminate the need for other towers in the Town. The additional height must not have an undue visual impact on the scenic character or appearance of the area.

3.25.9.5 Utility Connections

Reasonable efforts, as determined by the Permit Granting Authority, shall be made to place all utility connections from the **Wireless Telecommunication Facility** underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

3.25.9.6 Appurtenant Structures

All appurtenant structures to **Wireless Telecommunication Facilities** shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage systems, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

3.25.10 Safety and Environmental Standards

3.25.10.1 Emergency Services

The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the police and fire departments, and/or the local emergency services entity designated by the local government. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. The applicant or facility owner shall identify a responsible person for public inquiries or complaints throughout the life of the project.

3.25.10.2 Unauthorized Access

Wireless Telecommunication Facilities shall be designed to prevent unauthorized access. For instance, the towers shall be designed and installed so that step bolts or other climbing features are not readily accessible to the public and so that step bolts or other climbing features are not installed below the level of 8 feet above the ground. Electrical equipment shall be locked where possible.

3.25.10.3 Setbacks

Wireless Telecommunication Facility towers may not be sited within:

- (a) a distance equal to the height of the tower from buildings, critical infrastructure, or private or public ways that are not part of the **Wireless Telecommunication Facility**;
- (b) one point five times (1.5x) the height of the tower from the nearest existing residential structure; and,
- (c) one point one times (1.1x) the height of the tower from the nearest property line.

3.25.10.4 Setback Waiver

The Permit Granting Authority may reduce the minimum setback distance as appropriate based on project and site-specific considerations, such as tower type, topography, tree cover, etc., to allow for consideration of factors that may mitigate the impact to abutters, e.g. topography, tree cover, or written consent of the affected abutter(s), if the project satisfies all other criteria for the granting of a building permit under the provisions of this section.

Notably, with respect to Section 3.25.10.3 (a), if a **Wireless Telecommunication Facility tower** is proposed as part of an integrated, multiple-use industrial commercial development, then the Permit Granting Authority may allow setbacks less than the height of the tower from buildings, critical infrastructure and/or private ways that are part of the proposed development.

3.25.10.5 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the **Wireless Telecommunication Facility** or otherwise prescribed by applicable laws, regulations, and bylaws. **Wireless Telecommunication Facility** design shall minimize fragmentation of open space areas and shall avoid permanently protected open space when feasible. **Wireless Telecommunication Facilities** also shall be located in a manner that does not have significant negative impacts on rare species in the vicinity.

3.25.10.6 Hazardous Materials

No hazardous materials or waste shall be discharged on the site of any **Wireless Telecommunication Facility**. If any hazardous materials or wastes are to be used on site, there shall be provisions for full containment of such materials or waste. An enclosed containment area, designed to contain at least 110 percent of the volume of the hazardous materials or waste stored or used on the site is required.

3.25.11 Monitoring and Maintenance

3.25.11.1 Wireless Telecommunication Facility Conditions

The applicant shall maintain the **Wireless Telecommunication Facility** in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the **Wireless Telecommunication Facility** and any access road(s), unless accepted as a public way.

3.25.11.2 Reporting

Notice shall be provided to the town of any change in ownership of the **Wireless Telecommunication Facility**.

3.25.11.3 Modifications

All material modifications to a **Wireless Telecommunication Facility** made after issuance of the required building permit shall require approval by the Permit Granting Authority.

3.25.12 Provision of Independent Consultants

Upon submission of an Application for any Permit under this bylaw, the Applicant shall pay a review fee determined by the Permit Granting Authority, in accordance with MGL c.44 §53G consisting of reasonable costs to be incurred by the Permit Granting Authority for the employment of independent consultants. These Consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields:

- (a) Telecommunications engineering,
- (b) Structural engineering,
- (c) Monitoring of electromagnetic fields, and, if determined necessary by the Permit Granting Authority.

3.25.13 Abandonment or Decommissioning

3.25.13.1 Removal Requirements

Any **Wireless Telecommunication Facility** which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 90 days after the date of discontinued operations. The applicant shall notify the town building inspector by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

- (a) Physical removal of all towers, structures, equipment, security barriers and electrical lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Permit Granting Authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3.25.13.2 Abandonment

Absent notice of a proposed date of decommissioning or written note of extenuating circumstances, the **Wireless Telecommunication Facility** shall be considered abandoned when the facility fails to operate for more than six months without the written consent of the building inspector. If the applicant fails to remove the facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the facility.

3.25.13.3 Financial Surety

The applicant shall provide a form of surety, either through an escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the Wireless Telecommunication Facility and remediate the landscape, in an amount and form determined to be reasonable by the Permit Granting Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the Permit Granting Authority. Such surety shall be held by the Town Treasurer and have either an automatic renewal date clause or no expiration date. Such surety will not be required for municipally- or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

3.25.14 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

And to further see if the Town will vote to amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule, by deleting, under the category of **COMMERCIAL USES**, the sub-category Communication Towers with Transfer Stations:

	Residence A	Residence B	Residence C	Central Commercial	Neighborhood Commercial	General Commercial	Industrial Commercial
<u>2.3 Use Regulation Schedule</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>CA</u>	<u>CB</u>	<u>G</u>	<u>I</u>
COMMERCIAL USES							
Communication Towers with Transfer Stations	N	N	SP	N	N	N	SP

And replace it with the following:

	Residence A	Residence B	Residence C	Central Commercial	Neighborhood Commercial	General Commercial	Industrial Commercial
<u>2.3 Use Regulation Schedule</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>CA</u>	<u>CB</u>	<u>G</u>	<u>I</u>
COMMERCIAL USES							
Wireless Telecommunications Facilities	N	N	Y	N	N	N	Y
Wireless Transceiver Antenna Arrays	Y	Y	Y	Y	Y	Y	Y

Required a 2/3rd's vote. The vote was 73 yes and 0 no. Motion passed.

Article 30 On the Motion of Gary Deyo, it was **VOTED:** That the Town of Athol amend the Town Bylaws by deleting Section 10 of Chapter V and replacing it with the following language as printed in the warrant and by adding Section 2.22 to Section 18 of Chapter II as printed in the warrant.

Section 10. No person shall permit or suffer any goat, sheep, cow or other neat, swine or fowl of any kind or description belonging to him or her, or under his or her care to go at large in or upon any street, sidewalk in the town.

and replace with the following language:

Section 10. No person shall permit or suffer any goat, sheep, cow or other neat, equine, swine or fowl of any kind or description belonging to him or her, or under his or her care to go at large in or upon any street, sidewalk, or other public place in the town, or upon the private property of another without their expressed permission; or act in relation thereto.

and to amend the Town Bylaws by adding 2.22 to Section 18 of Chapter III as follows:

Violation of Chapter V, Section 10 of the bylaws “pertaining to any goat, sheep, cow of other neat equine swine or fowl at large or upon any public place in town”

Enforcing Agent: Police Department and/or Animal Control Officer

Penalty: First and subsequent offense \$50

Passed by a majority vote.

Meeting dissolved at 9:15 p.m.

A True Copy, Attest:

Nancy E. Burnham
Town Clerk